

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested. Claims 5-9 and 23-34 are currently pending in this application. The claims have been amended without prejudice or disclaimer by canceling claims 5, 26, 29 and 32 and amending claims 6-8 for clarification purposes. Support for the amendments to claims 6 and 7 is found within the present application as originally filed. With this amendment, claims 6-9, 24, 25, 27, 28, 30, 31, 33 and 34 are currently pending. Applicants reserve the right to prosecute any cancelled subject matter in a continuing or divisional application. Consideration and entry of these amendments is respectfully requested.

**INFORMATION DISCLOSURE STATEMENT**

References 22 and 41 of the previously filed IDS are attached to this response.

**OATH / DECLARATION**

Applicants are still in the process of obtaining a corrected, executed declaration for this application. The executed document will be sent to the Examiner immediately upon receipt.

**REJECTION UNDER 35 USC 112, FIRST PARAGRAPH****A. Claims 26-28**

Claims 26-28 stand rejected under 35 U.S.C. 112, first paragraph as to the term "shorter than", which the Examiner alleges is new matter. Claim 26 has been cancelled and the rejection as to this claim is therefore moot. With respect to claims 27 and 28, Applicants respectfully disagree with the Examiner in that at page 8, line 7, the specification states that the fragment is "shorter than that of a PMSA peptide of the invention." Accordingly, Applicants respectfully maintain that the phrase "shorter than" is not new matter and request that this rejection be withdrawn.

**B. Claims 5-6, 8-9, and 23-34**

Claims 5-6, 8-9, and 23-34 stand rejected under 35 U.S.C. 112, first paragraph for lack of enablement. The Examiner alleges that, while being enabling for a nucleic acid

sequence encoding SEQ ID NOS. 12-17, does not reasonably enable one encoding X-X1-X-X-X-X-X-X2 or analogs or substantial homologs thereof. Applicants respectfully disagree, but in the interest of expediting prosecution, have amended the claims as discussed below.

Claim 5, 26, 29, and 32 have been cancelled. The rejection as to those claims is therefore moot.

Claim 6 has been amended to delete parts (c) and (d), which reference sequences having "substantial sequence homology" and sequences encoding "analogs", respectively. Applicants believe the sequence encompassed by amended claim 6 would be clear to one of skill in the art, and that the originally filed specification enables the scope of the claim. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 7 has been amended such that is now in independent form, as suggested by the Examiner. Accordingly, Applicants respectfully request that this rejection be withdrawn.


Claims 8, 9, 24, 25, 27, 28, 30, 31, 33 and 34 depend upon claim 6 or 7 (or upon one another). As Applicants believe that the instant rejection may be properly applied to amended claims 6 and 7, Applicants further believe these rejections are not properly applicable to claims dependent thereon.

**CONCLUSIONS**

Applicants respectfully maintain that the pending claims are now in condition for allowance. It is requested that a Notice of Allowance for these claims be issued as soon as possible. The Examiner is encouraged to contact the undersigned with any questions and/or comments.

Respectfully submitted,  
AVENTIS PASTEUR

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